

**53A-1-403 Education of persons under 21 in custody of state agency -- Establishment of coordinating council -- Advisory councils.**

- (1) For purposes of this section, "board" means the State Board of Education.
- (2)
  - (a) The board is directly responsible for the education of all persons under the age of 21 who are:
    - (i) in the custody of the Department of Human Services;
    - (ii) in the custody of an equivalent agency of a Native American tribe recognized by the United States Bureau of Indian Affairs and whose custodial parent or legal guardian resides within the state; or
    - (iii) being held in a juvenile detention facility.
  - (b) The board shall adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to provide for the distribution of funds for the education of persons described in Subsection (2)(a).
- (3) Subsection (2)(a)(ii) does not apply to persons taken into custody for the primary purpose of obtaining access to education programs provided for youth in custody.
- (4) The board shall, where feasible, contract with school districts or other appropriate agencies to provide educational, administrative, and supportive services, but the board shall retain responsibility for the programs.
- (5) The Legislature shall establish and maintain separate education budget categories for youth in custody who are under the jurisdiction of the following state agencies:
  - (a) detention centers and the Divisions of Juvenile Justice Services and Child and Family Services;
  - (b) the Division of Substance Abuse and Mental Health; and
  - (c) the Division of Services for People with Disabilities.
- (6)
  - (a) The Department of Human Services and the State Board of Education shall appoint a coordinating council to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of persons in the custody of the Division of Juvenile Justice Services and the Division of Child and Family Services.
  - (b) The department and board may appoint similar councils for those in the custody of the Division of Substance Abuse and Mental Health or the Division of Services for People with Disabilities.
- (7) A school district contracting to provide services under Subsection (4) shall establish an advisory council to plan, coordinate, and review education and treatment programs for persons held in custody in the district.

Amended by Chapter 359, 2011 General Session